

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>JUAN CONCEPCION,</b>	:	<b>Civ. No. 1:11-cv-2225</b>
<b>Petitioner,</b>	:	
	:	
	:	
<b>v.</b>	:	<b>Judge Rambo</b>
<b>DAVID VARANO,</b>	:	
<b>Respondent.</b>	:	<b>Magistrate Judge Mehalchick</b>
	:	

**O R D E R**

AND NOW, this 14<sup>th</sup> day of June, 2016, IT IS HEREBY ORDERED  
**AS FOLLOWS:**

1. The report and recommendation of the magistrate judge (Doc. 44) is **ADOPTED**;
2. Concepcion's first (Sixth Amendment speedy trial claim), second (constitutional excessive sentence claim), and fifth through seventh (ineffective assistance claims) grounds for relief each is **DENIED** as procedurally defaulted;
3. Concepcion's third (constitutional double jeopardy claim) and fourth (venue claim) grounds for relief shall proceed on the merits;
4. This case is remanded for further proceedings with respect to Concepcion's claims that have been properly exhausted.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge